

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 06 MAY 2005

WIPO PCT

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PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2005/050070

International filing date (day/month/year)  
10.01.2005

Priority date (day/month/year)  
20.01.2004

International Patent Classification (IPC) or both national classification and IPC  
C11D3/42, D21H21/30, D06L3/12, C07D251/68

Applicant  
CIBA SPECIALTY CHEMICALS HOLDING INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2005/050070

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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PCT/EP2005/050070

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**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-9,11,13,14
	No: Claims	10,12,15,16
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	10-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Item V**

The following documents (D) are referred to:

- D1: WO 03/070869 A
- D2: DE 101 50 894 A
- D3: US 2002/084049 A1
- D4: US-A-6 015 504

**Novelty (Article 33(2) PCT)**

The subject matter of claims 10, 12, 15 and 16 is not novel.

D1, see examples 22 and 23, discloses fluorescent whitening agents having structures falling within the ambit of present claim 10 which are used for whitening textile fibre materials. Claims 12, 15 and 16 are thus also considered not novel.

Present claim 16 is a "product by process" claim, such a product would be indistinguishable from textiles treated with a compound according to claim 10.

**Inventivity (Article 33(3) PCT)**

Claim 11 is considered not inventive as it amounts to a selection from the list of possible compounds disclosed in D1, see pages 1 - 4 and the amino acid residues - NH(CH<sub>2</sub>COOH), -NH(CH<sub>2</sub>CH<sub>2</sub>COOH) and -N(CH<sub>3</sub>)(CH<sub>2</sub>COOH) listed on lines 1 and 2 of page 4.

The subject matter of claims 13 and 14 is considered not inventive, as such uses of optical brightening agents for addition to paper are already known in the art, see eg. D2 claims.

No objections are raised against the subject matter of claims 1 - 9.